



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Steven Lee Atkins Jr.

3556462

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:19-cv-210
(Number to be assigned by Court)

Thomas Chandler

Lisa Nutter

Teresa Gregory

Warden David Ballard

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

N/A

Defendants:

N/A

2. Court (if federal court, name the district; if state court, name the county):

N/A

3. Docket Number:

N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit:

N/A

7. Approximate date of disposition:

N/A

II. Place of Present Confinement: Mount Olive Correctional complex

A. Is there a prisoner grievance procedure in this institution?

Yes X No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No _____

C. If your answer is YES:

1. What steps did you take? Grieved to Unit team, then
Warden, then Commissioner. (ex #1)
2. What was the result? _____

D. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Steven L. Adkins Jr.

Address: 1 Mountainside way, Mt. Olive, WV 25185

B. Additional Plaintiff(s) and Address(es): _____

N/A

Statement of Claim

1. On or around Aug 10, 2017 M.O.C.C. mail clerks opened, read and copied legal mail that I had sent through the available mailing system and was clearly marked "legal Mail" front and back of envelope and "Attorney" on the front, in violation of federal and state laws.
2. On or around Aug 11, 2017, CO Isaacs delivered a copy of the above described letter with "regular mail". I recognized it and complained to him of the violation and refused to touch it. He did a incident report and returned to give it to me and I began exhausting the grievance process. And did.
3. The grievance (ex #1) and letter (ex #2) are present with filed lawsuit, mail clerks admitted to Capt. Clifford they opened it, and should not have copied it, as (ex #1) shows.
4. I requested the original letter, grieved it when it wasn't sent and haven't received it.
5. In a grievance (ex #1) I requested a copy of the Incident report.

Involvement

David Ballard was the Warden of M.O.C.C. at the time of the Incident and supervisor of M.O.C.C. employees. Teresa Gregory, Thomas Chandler and Lisa Nutter are employees in the mail department of M.O.C.C.

My claims are:

1. Supervisor Liability
2. Legal Mail was regarding legal matters toward M.O.C.C. and opening said legal mail may be retaliation, obstruction, deterrance and hindering due process.
3. Violation of Federal and state laws, and M.O.C.C.'s P.D - "Attorney/client legal privilege mail may only be opened and Inspected In the Inmates presence", further IT cannot be read.
4. Emotional and mental distress, which deepened the emotional and mental distress already present due to the recent incidents the letter discussed.

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: David Ballard

^{was}
~~is~~ employed as: Warden

at M.O.C.C.

D. Additional defendants: Thomas Chandler, Teresa Gregory
and Lisa Nutter all work in the mail department
at M.O.C.C.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

- Please see Attached -

IV. Statement of Claim (continued):

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

- compensatory damages
- Punitive damages
- and any relief this court deems fair and just.

V. Relief (continued):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

N/A

If not, state your reasons: none

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No ☒

If so, state the lawyer's name and address:

Signed this 19th day of March, 2019.

Steve Adkins
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-19-19
(Date)

Steve Adkins
Signature of Movant/Plaintiff

N/A
Signature of Attorney
(if any)